

STATE AUDITOR'S OFFICE

LEAVE INTERPRETATION 84-03¹

TO: Human Resources Directors

DATE: October 13, 1983

SUBJECT: Accrual of vacation leave for an employee who holds part-time positions as both a faculty member and as a staff member.

Question:

Can an employee who holds part-time positions as both a faculty member and as a staff member accrue vacation leave?

Answer:

Only those employees who are employed to work at least 20 hours per week for at least 4.5 months, excluding students employed in positions that require student status as a condition of employment and faculty with appointments of fewer than 12 months, are entitled to annual leave.

According to Texas Government Code, Section 661.152, employees who are employed to work at least 20 hours per week for at least 4.5 months, excluding students employed in positions that require student status as a condition of employment and faculty with appointments of fewer than 12 months, are entitled to annual leave.

In the example provided, an employee is working 20 percent of the time in a faculty position and 30 percent of the time in a staff position, for a total of 50 percent. That employee would not accrue annual leave. This is based on the assumption that the 20 percent faculty position is not a 12-month appointment. In addition, annual leave would accrue only for an employee in a staff position that is required to work at least 20 hours per week.

However, if the higher education institution determines that an employee works in a faculty position and a staff position at the same time, works at least half-time (20 hours), and is not employed in a position for which the employee is required to be a student as a condition of employment, the employee would accrue sick leave at the rate of 4 hours per month (one-half the rate of a full-time employee). Under Texas Government Code, Sections 661.201 and 661.202 (c), employees who are required to work at least 20 hours per week are entitled to accrue sick leave in proportion to the time they work.

¹ This is an updated version of this State Auditor's Office Leave Interpretation. It was updated in 2011 to primarily reflect statutory changes. The previous version can be found at http://www.hr.sao.state.tx.us/Statutes/LI84-03_old.html